

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

CITY OF LINCOLN,	)	4:10CV3030
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
WINDSTREAM NEBRASKA, INC.,	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
Defendant.	)	

On July 21, 2011, Magistrate Judge Cheryl R. Zwart entered an order (filing [105](#)) granting the plaintiff's oral motion for leave to disclose an additional expert. On July 25, 2011, the defendant filed a motion for reconsideration of the order (filing [107](#)). In a thoughtful memorandum and order entered on August 1, 2011 (filing [116](#)), Judge Zwart denied the motion for reconsideration and indicated that the July 21st order would remain in effect. On August 12, 2011, the defendant filed a statement of objections (filing [131](#)) pursuant to [28 U.S.C. § 636\(b\)\(1\)](#) and [NECivR 72.2](#).

Upon careful review,<sup>1</sup> I find that the defendant's objections should be denied for the reason that Judge Zwart's order is not clearly erroneous or contrary to law. In particular, but without limitation, I agree with her determination that good cause existed for modifying the court's progression schedule under [Federal Rule of Civil Procedure 16\(b\)\(4\)](#).

Accordingly,

IT IS ORDERED that:

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<sup>1</sup> To the extent the appropriate standard of review is de novo, I have conducted a de novo review.

- (1) the Magistrate Judge's memorandum and order (filing [116](#)) shall not be disturbed and is hereby sustained; and
- (2) Plaintiff's statement of objections to, or appeal from, the Magistrate Judge's order (filing [131](#)) is denied.

August 24, 2011.

BY THE COURT:

*Richard G. Kopf*  
United States District Judge